



An
Coimisiún
Pleanála

Inspector's Report

ABP-322268-25

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| Development | Subdivision and extension of existing apartment scheme to provide an additional five apartments, associated elevation changes, communal open space and all associated site works. |
| Location | Riverside Apartments, Main Street, Arklow, Co. Wicklow |
| Planning Authority | Wicklow County Council |
| Planning Authority Reg. Ref. | 2460611 |
| Applicant | ISH New Build Fund – Sub Fund of The Platform ICAV |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | First Party |
| Appellant | ISH New Build Fund – Sub Fund of The Platform ICAV |
| Observers | None |

Date of Ste Inspection

27th June 2025

Inspector

John Duffy

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

Appendix 3 – AA Screening Determination

1.0 Site Location and Description

- 1.1. The appeal site is situated at a corner location on the northern side of Main Street in Arklow town centre and it accommodates an existing 3 and 4 storey mixed use building with basement car park for 32 vehicles. Coomie Lane runs to the west of the site and leads down to the riverside walkway and the Avoca River which flows approximately 20 m to the north of the site.
- 1.2. The building accommodates a total of 25 no. apartment units at first, second and third floor levels. The existing unit mix comprises 3 no. 1 bedroom units, 21 no. 2 bedroom units and 1 no. 3 bedroom unit. Communal open space is provided primarily at roof level in the form of terraces. At ground floor level two commercial units front onto Main Street, one of which operates as a beauty / hair salon, while the second unit appears to be vacant. A third commercial unit is accessed from a gated service lane at the western side of the site; however this unit also appears to be vacant.

2.0 Proposed Development

- 2.1. The proposed development as applied for comprises the following:
 - (i) The reorganisation, subdivision and extension of the existing apartment development and units to provide an additional 5 apartment units, increasing the total number of apartments from 25 to 30. This is to be achieved as follows:
 - Subdivision of the existing two no. 2 bedroom corner apartment units (Apartment Nos. 107 and 217) at first and second floor levels on the north-eastern corner of the building into two no. 1 bedroom units.
 - The reconfiguration, subdivision and extension of an existing 3 bedroom unit (Apartment 321) at third floor level to provide a 1 bedroom and a 2 bedroom unit.
 - Construction of two no. new 1 bedroom units (Apartment Nos. 322-A and 326) by infilling existing setbacks at third floor level, which presently accommodate a roof terrace.
 - (ii) Associated elevation changes.
 - (iii) The existing roof feature, stated to be failing / leaking is to be replaced by a flat roof system.

- (iv) Provision of private open space in the form of balconies.
- (v) Provision of communal open space in the form of existing ground floor courtyard (96 sqm) and roof terraces (139 sqm).
- (vi) Bicycle parking (30 spaces in basement), hard and soft landscaping and all associated site works.

The gross floor area of proposed works is stated as 451.3 sqm. Unit mix would comprise 10 no. 1 bed units and 20 no. 2 bed units.

2.2 On foot of a request for Further Information (FI) a number of alterations to the development were proposed including:

- Omission of one proposed unit (Apartment No. 326) resulting in an increase in the total number of apartments from 25 to 29 and the reinstatement of existing communal space at roof terrace level.
- Provision of c 203 sqm of communal open space in the forms of roof terraces.
- Provision of 49 bicycle parking spaces for all existing and proposed units (29 in total). This includes two spaces for electric bikes and 1 space for a cargo bike. Bicycle parking is proposed to be accommodated in two compounds at basement level.
- Appropriately sized balconies to be provided for all new apartments.
- Revised unit mix would comprise 9 no. 1 bed units and 20 no. 2 bed units.

2.3 Documentation provided at FI stage (in addition to revised plans and elevation drawings) includes:

- Detailed response to FI Items.
- Design Statement
- Revised Housing Quality Assessment

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission on the 18th of March 2025 subject to seven conditions. The following conditions are noteworthy:

1. This permission refers to the development as described in the documents lodged, as revised by the further information submitted on 12/02/2025, save as the conditions hereunder require.

Reason: For clarification.

2. The first occupation of any apartment unit shall be by individual purchasers and shall not be by a corporate entity.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing in the common good.

5. Prior to commencement of development the applicant / developer shall submit full details of revised bicycle parking arrangements for 49 No. bicycles. All revised bicycle parking shall utilise Sheffield Style stands. The 2 No. bicycle stores shall be lockable.

Reason: To promote sustainable transport use and in the interest of the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **first report** of the area planner notes the national and local policy context, details the planning history of the site and considers the proposal to be acceptable in principle within the town centre location. The density proposed would equate to 190 units per hectare (uph) and this is considered acceptable, noting that it exceeds the range of 40-100 uph in the Compact Growth Guidelines, but that the proposal must be justified in terms of quality of design and amenity. The proposal is assessed against the requirements of the 2022 Apartment Guidelines and compliance with Specific Planning Policy Requirements (SPPRs). In terms of communal open space it is noted that a

total of 139 sqm is provided at roof level but that the provision of 96 sqm within the ground level courtyard is accessible by the public during opening hours and this area is not considered to count towards communal open space. Concern is raised that the additional five units may increase the quantum of waste storage required. Further, it is noted that no bicycle parking spaces are in place for the existing units and there is concern that the type and quality of cycle parking provision is poor. Two items of FI are recommended, and are summarised as follows:

1. Submit a design statement detailing / justifying (a) the proposed communal open space, (b) the proposed rooftop terrace provision of private open space surrounded by 1.8 m high opaque screens located within communal open space and (c) the poor quality nature of dual aspect proposed for units 321, 321.A and 326.

Or alternatively, submit a revised proposal that indicates (i) provision of at least the minimum requirement of communal open space at rooftop level only, (ii) provision of at least the minimum requirement of private open space through, for instance, more secure solutions like balconies, and (iii) Details of materials of all external finishes and a proposed maintenance scheme to refresh existing external finishes. Include greater clarity in terms of rooftop boundary treatments.

2. Submit (a) A schedule of existing car park assignments between commercial and residential units, (b) A Design Statement detailing / justifying the rationale of capacity / design of bin storage, and (c) A Design Statement detailing / justifying the rationale of capacity / design of cycle parking / storage.

A revised proposal including the re-use of car parking spaces and which more appropriately considers SPPR 4 of the Compact Settlement Guidelines may also be submitted. It should be demonstrated how it is intended to make provision for a mix of bicycle parking types and for individual lockers that are easily accessible, secure and safely monitored.

The area planner's **second report** details and assesses the applicant's responses to both FI items. In terms of Item 1 the following is noted:

- Apartment 326 is omitted in order to address concerns raised regarding communal amenity space, dual aspect and privacy.

- This allows communal open space of 203.2 sqm to be provided exclusively at rooftop level, which is above the level required under the 2023 Apartment Guidelines (185 sqm).
- In terms of private open space, at least one balcony is provided for all apartment units (at a minimum of 5 sqm for 1 bedroom units and a minimum of 7 sqm for 2 bedroom units) in accordance with the 2023 Apartment Guidelines.
- Units at third floor level with windows or balconies along the communal open space are provided with a 1.5 m planting buffer to ensure privacy of future residents
- Submitted Design Statement provides information on maintenance scheme and proposed finishes.

The report notes the submitted information in respect of the first FI item has addressed the concerns of the planning authority.

In terms of Item 2, the following responses are noted:

- Car parking: 4 no. spaces to be allocated to the commercial units (unchanged), 25 no. spaces to be allocated to 29 apartments and 3 no. spaces to be assigned to facilitate cycle and refuse facilities.
- For bin storage provision approximately 6 no. 240 litre and 5 no. 1,100 litre bins are shown within the existing bin storage space.
- Bicycle parking is to be allocated exclusively at basement level with a provision of 49 no. spaces for all apartment units (i.e. 20 no. two bedroom units and 9 no. one bedroom units) based on a ratio of one space per bedroom. 46 spaces will be allocated for individual bikes, one space is for a cargo bike, and two spaces are for electric bikes. Parking spaces are accommodated in two accessible, secure and monitored compounds using a Singel Decker Classic 305 bike storage system or similar alternative.

The report notes that submitted information in respect of the second FI item has addressed the concerns of the planning authority. In terms of bicycle parking provision, the planning officer expresses a preference for Sheffield Stands on the basis that they provide locking security and protection of bikes during storage and considers that

systems which provide locks only on wheels and not frames are inadequate and may lead to wheel damage.

3.2.2. Other Technical Reports

Chief Fire Officer: Conditions provided if permission granted.

Housing Directorate: Part V proposal is acceptable.

Transportation and Infrastructure Delivery: No observations to make.

3.3. **Prescribed Bodies**

No reports received.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

Planning Authority Ref. 18/279 refers to an April 2018 decision to refuse permission to approved development as constructed to include retention of extended area to the third floor apartment No. 25 (north and west elevations). Permission was refused for 2 reasons. These noted, inter alia, the development would consolidate unauthorised development on the site, would set an undesirable form of development and an unfavourable precedent, and due to the lack of provision of adequate private and communal open space along with the removal of balconies serving units 22 to 25 inclusive, the proposal would be contrary to the Apartment Guidelines and would result in a substandard form of development.

Planning Authority Reference 16/973 refers to an October 2016 decision to grant permission for alterations to previously approved development to include retention of reduced car parking provision at basement level (from 41 no spaces as permitted to 32 no spaces as existing), revised building levels and elevational treatments, the change of use of ground floor retail unit number 1 from shop to education / training use, and 4 no balconies to Main Street (southern) elevation. Permission also sought for demolition of the unapproved extended area of apt number 25 (north and west

elevations), additional 6 no balconies to north and western elevations and the removal of 4 no existing car parking spaces on Coomie Lane.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Wicklow County Development Plan 2022-2028.

5.1.2 Chapter 4 relates to Settlement Strategy. Arklow is classified as a Self-Sustaining Growth Town in the County Development Plan. As such the settlement should provide urban housing for people from across the County and the region.

5.1.2 Relevant Objectives included in Chapter 6 – Housing include:

CPO 6.2 The sale of all developments of residential units, whether houses, duplexes or apartments, to commercial institutional investment bodies shall be prohibited.

CPO 6.3 New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

CPO 6.16 To encourage and facilitate high quality well-designed infill and brownfield development that is sensitive to context, enables consolidation of the built environment and enhances the streetscape. Where necessary, performance criteria should be prioritised provided that the layout achieves welldesigned high quality outcomes and public safety is not compromised and the environment is suitably protected.

5.1.3 Chapter 12 relates to Sustainable Transport.

Appendix 1 is concerned with ‘Development & Design Standards.’

Section 2.1.8 of Appendix 1 relates to bicycle parking and refers to provision of ‘covered bicycle parking facilities in association with new development’ with the cycle parking standard of 1 space per bedroom plus 1 visitor space per 5 units set out in Table 2.4.

Section 3.1.5 'Car parking' notes that 'Designated sheltered and secure bicycle parking will be required in apartment developments.'

5.2. Adopted Arklow and Environs Local Area Plan (LAP) 2018-2024

5.2.1 I note that the Arklow and Environs Local Area Plan (LAP) 2018 - 2024 has expired, however the Council have commenced the review of the existing LAP and pre-draft public consultation stage concluded in April 2024.

5.2.2 Under the 2018 LAP the appeal site is zoned 'Town Centre' with the Objective 'To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use, and to provide for 'Living Over the Shop' residential accommodation, or other ancillary residential accommodation.'

5.2.3 The subject site lies within an Area of Archaeological Potential.

5.2.4 Chapter 4 contains Residential Development Objectives including

- H1 All new housing developments shall be required to accord with the housing objectives and standards set out in the Wicklow County Development Plan.
- H3 In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands. The Council reserves the right to refuse permission for any development that is not consistent with this principle.
- H6 To encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.

5.2.5 Chapter 5 – Key Areas: An Opportunity Site for redevelopment ('Main Street Opportunity Site') adjoins the subject site to the east, as reflected on Map No. 6.3 of the LAP.

5.3 Revised National Planning Framework (NPF)

The First Revision of the NPF was recently approved by the Houses of the Oireachtas following the decision of Government on 8th April 2025 to approve the Final Revised NPF.

Chapter 2 of the First Revision of the NPF is entitled ‘A New Way Forward.’ Relevant National Policy Objectives (NPOs) include:

NPO 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

NPO 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.

Chapter 4 is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- NPO 12 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.
- NPO 20 provides that ‘In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.’

Chapter 6 ‘People, Homes and Communities’ sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives in Chapter 6 are noted as follows:

- NPO 37: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- NPO 42: To target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040.

- NPO 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location
- NPO 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development

5.4 Ministerial Guidelines

5.4.1 Having regard to the nature of the proposed development, the grounds of appeal and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Guidelines for Planning Authorities – Design Standards for New Apartments (2023).

Specific Planning Policy Requirement 2 on page 10 is relevant and relates to all building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 ha.

- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2023).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021).

5.4.2 I note that the Planning Design Standards for Apartments Guidelines for Planning Authorities were published on 8th of July 2025. Section 1.1 of this document states that the guidelines only apply to planning applications submitted after the publication of the guidelines. I am therefore satisfied that these guidelines are not relevant to the current appeal.

5.4.3 Other relevant document / publication

The National Cycle Manual was published by the National Transport Authority in September 2023. It places increased emphasis on the range of cycles that cycle

infrastructure will have to accommodate and also makes recommendations on segregation of cyclists from traffic where speeds and volumes make roads unsuitable for sharing.

5.5 Natural Heritage Designations

5.5.1 The appeal site is not located within any designated European Site. Arklow Marsh a proposed NHA is located on the northern bank of the River Avoca, which flows beyond the riverside walkway, to the north of the appeal site.

5.5.2 The closest European Sites are as follows:

- Buckroney-Brittas Dunes and Fen SAC, located approximately 5.1 km to the north-east.
- Kilpatrick Sandhills SAC located approximately 6.8 km to the south.

6.0 EIA Screening

6.1. See Forms 1 and 2 below. Having regard to the nature of the proposed development comprising the reconfiguration / reorganisation of an existing apartment scheme to provide additional units, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

This is a first-party appeal on behalf of ISH New Build Fund, represented by Tom Phillips and Associates, in relation to Conditions 2 and 5 of the planning authority's decision to grant permission on 18th March 2025. The grounds of appeal may be summarised as follows;

Condition No. 2

- It is requested that Condition No. 2 be omitted.

- The 'Regulation of Commercial Institutional Investment in Housing' Guidelines for Planning Authorities were introduced in May 2021 by the Department of Housing, Local Government and Heritage with the objective of preventing the bulk purchasing of houses and duplex units by institutional investors, which risks preventing individual buyers from purchasing homes. These Guidelines apply to mixed-use developments and housing only / duplex unit developments.
- The permitted development is for the development of apartments and therefore, falls outside the parameters of the regulations.
- The viability of apartment schemes often relies on investment from corporate entities and the imposition of such a condition could potentially prevent this key investment, thus hindering the delivery of high-density housing. This condition would also restrict bulk acquisition of the units by an approved housing body which is counter to wider national policy.
- A similar condition (in this case Condition No. 5) was attached to an application for apartments in Arklow (Reg. Ref. 23381 / ABP-317937-23 refers). The decision of An Bord Pleanála was to grant permission and it is noteworthy that Condition No. 5 of the planning authority's decision was not retained in the appeal decision.

Condition No. 5

- No reasoning is provided as to why Sheffield style stands are necessary.
- There are no provisions in the County Development Plan that require the use of one type of bicycle rack over the other.
- Sheffield style stands are considered to constitute an inefficient use of space with regard to the permitted development. Single Decker style stands or similar are proposed as a space-efficient alternative.
- The proposal involves provision of additional units to an existing apartment block. Space for bicycle parking within the building is limited. Installation of the applicant's preferred bicycle racks would maximise cycle parking facilities and minimise disruption to the existing car park.

The appeal submission includes a copy of the planning authority's decision to grant permission.

7.2. Planning Authority Response

In its response to the appeal received on 6th May 2025 the planning authority notes that Condition 2 was inserted in accordance with the requirements contained in Objective CPO 6.2 of the Wicklow County Development Plan 2022-2028. The response also notes that to not include the said condition would be a material contravention of an Objective contained in the County Development Plan.

7.3. Observations

None.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Scope of Appeal
- Condition 2
- Condition 5
- Water Framework Directive - Screening
- Appropriate Assessment

8.2. Scope of Appeal

8.2.1. This is a first-party appeal against Conditions 2 and 5 as set out in the planning authority's Notification of Decision to Grant Permission for the proposed development. As set out at section 3.1 above, Condition 2 requires the first occupation of the apartment units to be by individual purchasers and not by a corporate entity. Condition 5 requires that all revised cycle parking shall utilise Sheffield Style stands.

8.2.2. I consider that a de novo assessment of the proposed development is not warranted in this instance. I am satisfied that the proposal is otherwise in accordance with the

proper planning and sustainable development of the area. As such and in accordance with section 139 of the Planning and Development Act 2000, as amended, the assessment of the proposed development will be confined to conditions 2 and 5.

8.3 Condition 2

- 8.3.1 The appellant's primary ground of appeal is that the planning authority has inappropriately and incorrectly applied Condition 2 which restricts the first occupation of the apartment units to individual purchasers, and specifically not to a corporate entity. The appellant notes that the permitted apartment development falls outside the parameters of the 'Regulation of Commercial Institutional Investment in Housing-Guidelines for Planning Authorities,' introduced in May 2021, which relate only to own-door housing and duplex units.
- 8.3.2 At the outset, I would advise the Commission that An Bord Pleanála dealt with a similar matter under ABP-319474-24, which relates to an apartment development in Bray, Co. Wicklow. I would recommend that a similar approach is adopted to this current appeal, as was taken in relation to ABP-319474-24.
- 8.3.3 I note Objective CPO 6.2 of the Wicklow County Development Plan 2022-2028 states that 'the sale of all developments of residential units, whether houses, duplexes or apartments, to commercial institutional investment bodies shall be prohibited.'
- 8.3.4 I concur with the planning authority's response to the appeal that removal of Condition 2 would constitute a material contravention of the Wicklow County Development Plan 2022-2028.
- 8.3.5 During the Development Plan process, I note the inclusion of Objective CPO 6.2 was raised at Material Amendment stage in the Office of the Planning Regulator's (OPR) submission to the planning authority. The OPR submission stated, inter alia, that 'the proposed policy objective has no statutory national or regional policy framework support, would conflict with the Regulation of Commercial Institutional Investment in Housing Guidelines (2021), and create internal inconsistencies in the development plan resulting in an unsound basis for decision making by your authority in its statutory development management function.'

- 8.3.6 Notwithstanding the foregoing, it is noted that Objective CPO 6.2 remains in the final adopted Wicklow County Development Plan 2022-2028. It appears that the inclusion of this objective has not been challenged on foot of the aforementioned OPR submission.
- 8.3.7 Having regard to Appendix 3, 'Housing Strategy' of the current County Development Plan, it is noted in section 1.1 that a Housing Need Demand Assessment (HNDA) has not been carried out at this time. It is stated that it will be undertaken in due course, 'and should it identify that amendment of the County Development Plan is necessary to reflect its outcomes, the plan will be varied accordingly.'
- 8.3.8 In this regard, it is considered appropriate that the intent of objective CPO 6.2 is reflected in Condition 2, with flexibility to facilitate any future amendments relevant to housing need and demand as part of the HNDA which will be undertaken in due course. In this regard, it is recommended that an addition is made at the beginning of Condition 2, namely the insertion of the clause 'Unless otherwise agreed in writing with the planning authority.'
- 8.3.9 Furthermore, it is considered that Condition 2 of the planning authority's decision does not satisfactorily align with the principles set out in the 'Regulation of Commercial Institutional Investment in Housing Guidelines' published in 2021 and 2023. It is considered appropriate, therefore, that wording reflecting the above-mentioned Ministerial Guidelines be inserted.
- 8.3.10 I have reviewed the planning history case highlighted by the appellant (Reg. Ref. 23381 / ABP-317937-23 refers), which also relates to an apartment development in Arklow. I note however that this third party appeal case did not raise the issue of Objective CPO 6.2 in the appeal grounds, and in that context, it differs from this current first party appeal which has explicitly raised the issue, in the form of an appeal from the first party against Condition 2.

8.4 **Condition 5**

- 8.4.1 The appellant contends that space for bicycle parking within the building is limited, that Sheffield type bicycle stands would take up too much space, and that installation of their preferred Single Decker style stands would maximise cycle parking and minimise disruption to the existing car park.

- 8.4.2 I note that the Wicklow County Development Plan does not specify a preferred cycle storage / parking type. It notes in sections 2.1.8 and 3.1.5 of Appendix 1 that bicycle parking facilities should be 'covered,' 'sheltered,' and 'secure.'
- 8.4.3 Cycle storage is proposed within the footprint of the building, at basement level. In its response to the FI request (Item 2), the applicant clarifies that 25 basement car parking spaces are to be allocated to 29 apartment units (0.86 space per unit), 4 parking spaces are assigned to the commercial uses and 3 spaces are assigned to facilitate cycle and refuse facilities.
- 8.4.4 Drawing No. 291 REV 1 provided at FI stage shows that two new enclosed cycle stores with a cumulative area of approximately 56 sqm will accommodate 46 bicycles in single decker type storage systems, while a separate area in the car park is designated for storage of two electric bikes and one cargo bike.
- 8.4.5 My view is that this proposed storage system is acceptable and would allow for efficient use of space at basement level. Further, the proposed bicycle parking arrangement for 46 cycles would accord with Development Plan requirements and SPPR 4 (Cycle Parking and Storage) of the Compact Settlements Guidelines in terms of such facilities located within the footprint of the building, being covered, secure and sheltered. I note the area proposed for use as parking for the cargo bike and electric bikes is not enclosed at basement level and I recommended that Condition 5 be amended further to include such a requirement.

8.5 Water Framework Directive – Screening

- 8.5.1 The subject site is located on a brownfield site which accommodates an existing mixed use building at Main Street in Arklow, Co. Wicklow. The proposed development as amended on foot of FI comprises, inter alia, the reorganisation, subdivision and extension of the existing apartment scheme and units to provide an additional 4 no. units, increasing the total number of apartments from 25 to 29 in total.
- 8.5.2 I have assessed the proposed small-scale residential development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale

and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and groundwater water bodies either qualitatively or quantitatively. The reason for this is as follows:

- The nature of the works comprising a small scale and nature of development.
- The lack of direct hydrological connections from the site to any surface and transitional water bodies.
- Standard pollution controls that would be implemented.

8.5.3 I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

9.0 AA Screening

9.1. I have reviewed the applicant's Appropriate Assessment Screening the screening undertaken by the Planning Authority, and I have carried out a Screening Determination for the development and it is attached to this report in Appendix 3.

9.2. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in Arklow town centre and involves works to an existing mixed use building to facilitate additional apartment units.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The modest scale and nature of the development.
- Location-distance from nearest European Site and lack of connections.
- Standard pollution controls that would be implemented regardless of proximity to a European Site and the effectiveness of same.

- Qualifying interests and conservation objectives of European sites in the area and wider area.
- Absence of any meaningful direct pathways to any European site.
- Taking into account the determination by the Planning Authority.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

10.1. Having regard to the assessment above and based on the Reasons and Considerations set out below, I recommend that the planning authority be directed to amend Condition Numbers 2 and 5 as attached to the decision to grant permission, to read as follows:

Condition 2

2. (a) Unless otherwise agreed in writing with the planning authority, prior to the commencement of any residential unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each residential unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified residential unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified residential unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

Condition 5

5.(a) The type and layout of cycle parking relating to bike stores 1 and 2 shall accord with Drawing No. 291 REV 1 received by the planning authority on the 13th of February 2025.

(b) Parking facilities for the electric and cargo bicycles shall be within a secure cycle cage or store at basement level.

Reason: To promote sustainable transport use and in the interest of the proper planning and sustainable development of the area.

11.0 Reasons and Considerations

Having regard to the design, scale and nature of the proposed development and its relationship to surrounding properties, it is not considered that other aspects of the proposed development would have a significant impact on residential or visual amenity and that they are in accordance with the proper planning and development of the area. It is therefore considered appropriate in accordance with section 139 of the Act, that the appeal should be considered against conditions only.

Noting that Objective CPO 6.2 has remained in the final adopted Wicklow Development Plan 2022-2028, that no challenge to its statutory standing has occurred subsequent to the recommendation of the OPR and given that a HNDA will be carried

out in due course, as referenced in the Wicklow County Development Plan 2022-2028, it is considered reasonable that the intent of Objective CPO 6.2 is reflected in Condition 2, with flexibility to allow amendments relevant to housing need and demand, such as tenure policy, in the context of the of the upcoming HNDA.

The bicycle storage system proposed by the applicant allows for the efficient use of space at basement level and it accords with Development Plan requirements and SPPR 4 (Cycle Parking and Storage) of the Compact Settlements Guidelines in terms of such facilities located within the footprint of the building, being covered, secure and sheltered.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

John Duffy
Planning Inspector

21st July 2025

Form 1 - EIA Pre-Screening

| | |
|---|---|
| Case Reference | ABP-322268-25 |
| Proposed Development Summary | Subdivision and extension of existing apartment scheme to provide an additional five apartments, associated elevation changes, communal open space and all associated site works. |
| Development Address | Riverside Apartments, Main Street, Arklow, Co. Wicklow. |
| | In all cases check box /or leave blank |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project.' Proceed to Q2. |
| | <input type="checkbox"/> No, No further action required. |
| 2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | State the Class here |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |
| 3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds? | |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed | |

| | |
|--|--|
| <p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p> | |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p> | <p>State the Class and state the relevant threshold</p> |
| <p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p> | <p>State the Class and state the relevant threshold</p> <p>Schedule 5 Part 2 Class 10(b)(ii) construction of more than 500 dwelling units.</p> <p>Schedule 5 Part 2 Class 10 (b)(iv) Urban Development. Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Total site size within red line boundary is c 0.158 ha</p> |

| | |
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| <p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p> | |
| <p>Yes <input type="checkbox"/></p> | <p>Screening Determination required (Complete Form 3)</p> |
| <p>No <input checked="" type="checkbox"/></p> | <p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p> |

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

| | |
|---|--|
| Case Reference | ABP-322268-25 |
| Proposed Development Summary | Subdivision and extension of existing apartment scheme to provide an additional five apartments, associated elevation changes, communal open space and all associated site works. |
| Development Address | Riverside Apartments, Main Street, Arklow, Co. Wicklow. |
| This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith. | |
| Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health). | Subdivision and extension of existing apartment scheme to provide an additional five apartments, associated elevation changes, communal open space and all associated site works. The development would not result in the production of significant waste, emissions, or pollutants. The proposal would not involve significant risks of accidents / disasters or pose a risk to human health. |
| Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance). | The site (0.158 ha) is located in Arklow town centre and it is occupied by an apartment block. In this context the site is not exceptional. The subject site is located between Main Street and the Riverside Walk in Arklow. There is no direct hydrological connection present which would give rise to significant impact on water courses in the wider area (whether linked to any European site or other sensitive receptors). The site is not located within or near any European Sites. |
| Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, | The Avoca River flows north of the subject site. No likely effects or significant effects on environmental parameters are foreseen. There would be no significant cumulative considerations. |

| cumulative effects and opportunities for mitigation). | |
|--|--|
| Conclusion | |
| Likelihood of Significant Effects | Conclusion in respect of EIA |
| There is no real likelihood of significant effects on the environment. | EIA is not required. |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | Schedule 7A Information required to enable a Screening Determination to be carried out. Not applicable to this appeal case. |
| There is a real likelihood of significant effects on the environment. | EIAR required. Not applicable to this appeal case. |

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: AA Screening Determination Test for likely significant effects

| Screening for Appropriate Assessment Test for likely significant effects | |
|--|--|
| Step 1: Description of the project and local site characteristics | |
| Brief description of project | <p>Normal Planning Appeal</p> <p>Subdivision and extension of existing apartment scheme to provide an additional five apartments, associated elevation changes, communal open space and all associated site works.</p> <p>Riverside Apartments, Main Street, Arklow, Co. Wicklow.</p> <p>See also section 2 of this Inspectors Report.</p> |
| Brief description of development site characteristics and potential impact mechanisms | <p>The appeal site (0.158 ha) is located at a corner location on the northern side of Main Street in Arklow town centre and contains an existing 3 and 4 storey mixed use building with basement car park for 32 vehicles. Coomie Lane runs to the west of the site and leads down to the riverside walkway and the Avoca River which flows approximately 20 m to the north of the site.</p> <p>The subject site is not located within and is not adjoining any Natura 2000 Sites. European Sites in the area / wider area are:</p> <ul style="list-style-type: none"> - Buckroney-Brittas Dunes and Fen SAC – c 5.2 km to the north-east - Slaney River Valley SAC – c 13.1 km - Kilpatrick Sandhills SAC – c 6.8 km - Maherabeg Dunes SAC – c 15 km to the north-west. |
| Screening report | <p>No.</p> <p>Wicklow County Council screened out the need for AA</p> |
| Natura Impact Statement | No. |

| Relevant submissions | | None. | | |
|---|---|---|--|---|
| Step 2. Identification of relevant European sites using the Source-pathway-receptor model | | | | |
| European Site (code) | Qualifying interests ¹ Link to conservation objectives (NPWS, date) | Distance from proposed development (km) | Ecological connections ² | Consider further in screening ³ Y/N |
| Buckroney-Brittias Dunes and Fen SAC (000729) | Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) [2150] Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] Humid dune slacks [2190] Alkaline fens [7230] ConservationObjectives.rdl Accessed 16.7.25 | c 5.2 km | The proposed development is located within the development boundary of Arklow. No identifiable hydrological connections in terms of surface or groundwater. Therefore, there is no potential for direct or indirect impacts on this SAC. | N |
| Slaney River Valley SAC (000781) | Estuaries [1130] | c 13.1 km | No identifiable hydrological connections in terms of surface or groundwater. | N |

| | | | | |
|--|---|--|---|--|
| | <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaites Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> | | <p>Therefore, there is no potential for direct or indirect impacts on this SAC.</p> | |
|--|---|--|---|--|

| | | | | |
|-----------------------------------|--|----------|--|----------|
| | <p>Phoca vitulina (Harbour Seal) [1365]</p> <p>Site specific cons obj</p> <p>Accessed 16.7.25</p> | | | |
| Kilpatrick Sandhills SAC (001742) | <p>Annual vegetation of drift lines [1210]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150]</p> <p>ConservationObjectives.rdl</p> <p>Accessed 16.7.25</p> | c 6.8 km | <p>No identifiable hydrological connections in terms of surface or groundwater</p> <p>Therefore, there is no potential for direct or indirect impacts on this SAC.</p> | N |
| Maherabeg Dunes SAC (001766) | <p>Annual vegetation of drift lines [1210]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> | c 15 km | <p>No identifiable hydrological connections in terms of surface or groundwater</p> <p>Therefore, there is no potential for direct or indirect impacts on this SAC.</p> | N |

| | | | | |
|---|--|----------------|--|--|
| | Magherabeg Dunes SAC National Parks & Wildlife Service Accessed 16.7.25 | | | |
| ¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report ² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species ³ if no connections: N | | | | |
| Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites AA Screening matrix | | | | |
| Site name Qualifying interests | Possibility of significant effects (alone) in view of the conservation objectives of the site* | | | |
| | Impacts | Effects | | |
| N/A | | | | |
| | Likelihood of significant effects from proposed development (alone): No | | | |
| | If No, is there likelihood of significant effects occurring in combination with other plans or projects? No | | | |
| | Possibility of significant effects (alone) in view of the conservation objectives of the site*: No | | | |
| * It is not considered that the project would compromise the conservation objectives of restoration of (i) the favourable conservation condition of Petrifying springs with tufa formation and (ii) Old sessile oak woods with Ilex and Blechnum or make restoration more difficult, having regard to the above commentary given under 'Effects' above. | | | | |
| Step 4 Conclude if the proposed development could result in likely significant effects on a European site | | | | |
| I conclude that the proposed development (alone) would not result in likely significant effects on Buckrone-y-Brittis Dunes and Fen SAC, Slaney River Valley SAC, Kilpatrick Sandhills SAC, and Maherabeg Dunes SAC or any European Site. | | | | |

It is necessary to consider the proposal in combination with other plans and projects. In this regard I note Table 3 of the AA Screening provides details of planning decisions in the area. .

I rule out in-combination effects given that any proposed or permitted development was subject to AA screening and that they connect / would connect to existing drainage infrastructure and are subject to standard construction management measures to prevent discharges of pollutants / sediments to surface water.

I conclude therefore that the proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Buckroney-Brittis Dunes and Fen SAC, Slaney River Valley SAC, Kilpatrick Sandhills SAC, and Maherabeg Dunes SAC or any other European Sites in view of the conservation objectives of these sites and they are therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature of the works comprising a modest scale of development.
- Standard pollution controls that would be implemented regardless of proximity to a European Site and the effectiveness of same.
- Qualifying interests and conservation objectives of the aforementioned European sites.
- Location distance from the nearest European site and lack of connectivity.
- Absence of any meaningful direct pathways to any European site.